

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**  
**239 Causeway Street, Boston, MA 02114**  
**Room 417**  
**January 15, 2014**  
**AGENDA**

**8:30 a.m.            Call to Order**

- A.   Nominations and Election of Officers**
- B.   Review of General Session Minutes—Meeting of November 6, 2013**
- C.   Review of General Session Minutes—Meeting of December 4, 2013**
- D.   Administrative Matters**
  - Prescription Monitoring Program / Norfolk County Taskforce
  - AAOMS Revised Anesthesia Evaluation Manual
  - Update: Dental Assistant Regulations/Registration
  - Update: PGY-1 Working Group
  - Signatory Authority
- E.   Reciprocal Discipline—Executive Director Barbara Young, RDH**
  - In the Matter of DEN-2013-0187: Gilmar Padilla, RDH
- F.   Complaint Resolution—Investigator Barbara Yates**
  - In the Matter of DEN-2012-0150: Dr. Vincent Trossello
  - In the Matter of DEN-2012-0149: Christine Gorman, RDH
- G.   Complaint Resolution—Investigator Kathleen O’Connell**
  - In the Matter of SA-INV-4575: Dr. Chelsea Perry
- H.   Complaint Resolution—Investigator Eileen Mulligan**
  - In the Matter of SA-INV-5005: Dr. Quynh Bui

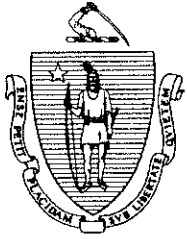
**9:45 a.m.    I.-   Executive Session (closed to the public)**

**N.**

**O.   M.G.L.c.112, §65C Session (closed to the public)**

**Adjournment**

***NEXT MEETING: February 5, 2014***



of Registration in Dentistry  
Session Minutes  
15, 2014  
1 by Board February 19, 2014

**The Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Department of Public Health**  
**Division of Health Professions Licensure**  
**239 Causeway Street, Suite 500, 5<sup>th</sup> Floor, Boston, MA 02114**

**DEVAL L. PATRICK**  
GOVERNOR

**JOHN W. POLANOWICZ**  
SECRETARY

**CHERYL BARTLETT, R.N.**  
COMMISSIONER

**MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY**  
**239 Causeway Street, Boston, MA 02114**  
**Room 417**  
**GENERAL SESSION MINUTES**  
**January 15, 2014**

**Board Members Present:** Dr. Cynthia Stevens, Chair; Ms. Lois Sobel, RDH, Secretary; Dr. Keith Batchelder; Dr. Stephen DuLong; Dr. Milton Glicksman, Chair *pro tem* at beginning of meeting; Dr. John Hsu; Dr. David Samuels; Ms. Jacyn Stultz; Ms. Ailish Wilkie, CPHQ

**Board Member Absent:** Ward Cromer, Ph.D.

**Board Advisors Present:** Ms. Diane Grondin, CDA Dental Assistant Advisor

**Staff Members Present:** Barbara Young, Executive Director; Jeffrey Mills, Assistant Executive Director; Vita Berg, Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Investigators Sarah Millar, Eileen Mulligan, Kathleen O'Connell, Lisa Seeley-Murphy, and Barbara Yates; James Lavery, Director DHPL; Genevieve Schaefer, Administrative Assistant; Ana Bienvenu, Clerk.

*Dr. Milton Glicksman chaired the meeting during the nomination and election of officers.*

**Motion:** At 8:30 a.m., motion made to commence the meeting

**Motion Made By:** Dr. Cynthia Stevens

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

**Motion:** To adopt the proposed agenda for today's meeting

**Motion Made By:** Dr. Cynthia Stevens

**Second:** Ms. Lois Sobel

**Vote:** Unanimous

**Motion:** **To nominate Dr. Cynthia Stevens for Board Chair**

**Motion Made By:** Dr. David Samuels

**Motion:** **To nominate Dr. Milton Glicksman for Board Chair**

**Motion Made By:** Dr. David Samuels

Dr. Keith Batchelder requested that each candidate briefly state their qualifications and platform, as he is new to the Board. Dr. Stevens stated that her primary interest is in public health, and she is currently a dental director in a public health setting. She has developed dental curricula, worked at both Harvard and MIT, and is active in AADB and NERB. Dr. Glicksman stated that there are three constituencies he views as important to dentistry in the Commonwealth—the Board, the Massachusetts Dental Society, and the dental schools—and he would like the Board to work closely with the other constituencies. He is a general dentist in private practice, a Past President of MDS, and has worked closely with the dental schools in Massachusetts.

**Motion:** **To vote by voice**

**Motion Made By:** Dr. Keith Batchelder

**Second:** Ms. Jacyn Stultz

**Vote:** Unanimous

### **Election of Board Chair**

<b>Board Member</b>	<b>Voted For</b>
Dr. Keith Batchelder	Dr. Cynthia Stevens
Dr. Stephen DuLong	Dr. Cynthia Stevens
Dr. Milton Glicksman	Dr. Milton Glicksman
Dr. John Hsu	Dr. Cynthia Stevens
Dr. David Samuels	Dr. Milton Glicksman
Lois Sobel, RDH	Dr. Cynthia Stevens
Dr. Cynthia Stevens	Dr. Cynthia Stevens
Jacyn Stultz, RDH	Dr. Cynthia Stevens
Ailish Wilkie, CPHQ	Dr. Cynthia Stevens

**Dr. Cynthia Stevens was elected Chair by a majority vote (7-2).**

*Dr. Glicksman asked Dr. Stevens to assume the Chair.*

**Motion:** To nominate Dr. Milton Glicksman for Board Secretary

**Motion Made By:** Dr. John Hsu

**Motion:** To nominate Ms. Lois Sobel, RDH for Board Secretary

**Motion Made By:** Dr. Stephen DuLong

**Motion:** To vote by voice

**Motion Made By:** Ms. Ailish Wilkie

**Second:** Dr. Keith Batchelder

**Vote:** Unanimous

#### **Election of Board Secretary**

<b>Board Member</b>	<b>Voted For</b>
Dr. Keith Batchelder	Dr. Milton Glicksman
Dr. Stephen DuLong	Ms. Lois Sobel, RDH
Dr. Milton Glicksman	Dr. Milton Glicksman
Dr. John Hsu	Dr. Milton Glicksman
Dr. David Samuels	Dr. Milton Glicksman
Lois Sobel, RDH	Ms. Lois Sobel, RDH
Dr. Cynthia Stevens	Ms. Lois Sobel, RDH
Jacyn Stultz, RDH	Ms. Lois Sobel, RDH
Ailish Wilkie, CPHQ	Ms. Lois Sobel, RDH

**Ms. Lois Sobel, RDH was elected Board Secretary by majority vote (5-4)**

**Motion:** To adopt General Session Board Minutes of November 6, 2013.

**Motion Made By:** Dr. David Samuels

**Second:** Ms. Lois Sobel

**Vote:** **In Favor:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu; Dr. David Samuels; Ms. Lois Sobel, RDH, Secretary; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ.  
**Opposed:** None  
**Abstained:** Dr. Cynthia Stevens, Chair; Dr. Keith Batchelder

**Motion:** **To adopt General Session Board Minutes of December 4, 2013.**

**Motion Made By:** Dr. David Samuels

**Second:** Ms. Lois Sobel

**Vote:** **In Favor:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu; Dr. David Samuels; Ms. Lois Sobel, RDH, Secretary; Ms. Jacyn Stultz, RDH.  
**Opposed:** None  
**Abstained:** Dr. Cynthia Stevens, Chair; Dr. Keith Batchelder, Ms. Ailish Wilkie, CPHQ

### **Administrative Matters**

#### **--Norfolk County Prescription Drug Task Force**

Asst. Executive Director Jeffrey Mills attended the December 2, 2013, task force meeting on behalf of the Board due to last minute notice of the meeting. He reported the meeting was well attended by members of the law enforcement, legal and medical/dental communities. Norfolk County and two other agencies elsewhere in the US have received a grant to study the improper use of prescription drugs by patients, providers and others in Norfolk County. If the task force is successful, one of the stated purposes of the grant is to implement the program nationwide. Mr. Mills drafted a memo that was provided to each Board member summarizing the purpose of the task force and its goals; the memo was reviewed by each Board member. Mr. Mills reported the task force has established three workgroups and has asked the Board to appoint a member to the workgroup on prescribers.

**Motion:** **To appoint Ms. Ailish Wilkie as the Board's representative to the Norfolk County Prescription Drug Task Force and to its workgroup on prescribers.**

**Motion Made By:** Ms. Lois Sobel

**Second:** Ms. Jacyn Stultz

**Vote:** Unanimous

#### **--AAOMS Revised Anesthesia Evaluation Manual**

Dr. Lil Difabio presented a letter from the American Association of Oral Maxillofacial Surgeons (AAOMS) regarding its recommendations to its members on the appropriate time periods for patient monitoring during treatment under sedation. Currently, AAOMS recommends patients be monitored, i.e. blood pressure, pulse, etc. every five (5) minutes. Discussion among Board members included the possible posting the AAOMS policy on the Board website and/or whether the Board's policy should be reviewed. The Board decided to table the issues until the March 5, 2014, meeting as the members want to review the latest version of AAOMS's manual first. The Board members asked Dr. Difabio and Ms. Young to acquire a copy of the AAOMS manual and to extend an invitation to a local oral surgeon, Dr. Jeffrey Stone of Lowell, MA, a past officer of the AAOMS, to address the Board at its March 5, 2014, meeting on the topic of patient monitoring.

**--Update: Dental Assistant Regulations/Registration**

Board Counsel Vita Berg explained to the Board members that the proposed dental assisting regulations are nearing completion but that a few issues need to be resolved. Specifically, Ms. Berg reminded the group of Ms. Young's earlier presentation regarding the repeal of a statute pertaining to the Mass. Dept. of Secondary and Elementary Schools' (DESE) supervision of proprietary schools and stated the Mass. Division of Professional Licensure (DPL) now supervises private occupational schools under a new statute. Ms. Berg reported DPL is currently reviewing the proposed regulations. Further, Ms. Berg reported an inconsistency in the language of the proposed regulations concerning programs supervised by the Mass. Dept. of Higher Education (DHE) and/or the New England Assoc. of Schools and Colleges (NEASC) has been discovered and is under review. The Board asked Ms. Dianne Grondin, dental assistant advisor, to work with Ms. Berg and Ms. Young regarding these inconsistencies.

**--Update: PGY-1 Working Group**

Dr. Glicksman and Ms. Wilkie informed the Board that at the workgroup's last meeting on December 18, 2013, Dean Donoff from the Harvard Dental School stated he attended the public hearing of the Joint Committee on Public Health at the statehouse on Nov. 19, 2013, where the proposed PGY1 legislation was discussed. Dean Donoff reported that the sponsors of the bills and one or two current dental students testified in support of the legislation.

Dr. Mina Paul, workgroup chairman, stated the three deans of the Boston-area dental schools are reviewing the language of the proposed bills and may submit revised versions to the sponsoring legislators for reconsideration as the current version may be unworkable.

The workgroup anticipates meeting again in March 2014.

**--Signatory Authority**

Ms. Young asked the Board for clarification of Board staff's authority to sign Consent Agreements, etc. on behalf of the Board. The members decided that Ms. Young and/or Asst. Executive Director Jeffrey Mills should submit any documents that may require a

signature of the Board Chairman or Secretary to the Chairman for review; once reviewed by the Chairman (and approved), then the Chairman, or Secretary, will notify Ms. Young and/or Mr. Mills.

**Motion:** To send Consent Agreements signed by Licensees for review via email attachment to the Chair (to the Secretary in the Chair's absence) and, upon approval by the Officer, the Consent Agreements will be signed by the Executive Director (by the Assistant Executive Director in the absence of the Executive Director).

**Motion Made By:** Dr. David Samuels

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

**Reciprocal Discipline—Executive Director Barbara Young, RDH**

**--In the Matter of DEN-2012-0187: Gilmari Padilla, RDH**

**Discussion:** Exec. Director Young presented a memo to the Board for its consideration and reported that the licensee had initially disclosed a criminal history when she sought licensure as a dental hygienist in the Commonwealth in August 2011 but failed to disclose the Texas Board of Dental Examiners placed the licensee on probation, a disciplinary action, for two years in August 2012 after the Texas Board reviewed the licensee's criminal history.

**Motion:** To offer a Consent Agreement for Reprimand

**Motion Made By:** Dr. David Samuels

**Second:** Dr. Milton Glicksman

**Vote:** Unanimous

**Complaint Resolution—Investigator Barbara Yates**

**--In the Matter of DEN-2012-0150: Dr. Vincent Trossello**

**Recusal(s):** Dr. Stephen DuLong recused himself and was not present during the discussion or vote on this matter

**Allegation:** Failure to conduct weekly spore tests

**Discussion:** Investigator Yates submitted her report to the Board for its consideration and reported an application for a Facility D-B2 permit was received in September 2011; as part of the application materials, an applicant is required to submit spore test results for the three months prior to the application date. The applicant submitted some spore test results from 2009, 2010 and January, February and March 2011. As a result of this omission, a complaint was opened and a response was requested from the applicant. The applicant explained that she had purchased the dental practice from the licensee in April 2011 and had not been advised by the licensee and/or his office staff that the weekly spore testing would be stopped after the purchase. A complaint was then opened against the licensee, the former owner of the dental practice, for failing to conduct weekly spore testing during 2009, 2010 and January, February, and March 2011.

**Motion:** **To offer a Consent Agreement for Probation for 6 months, to include the following continuing education:**  
**6 Hours: Risk Management**  
**6 Hours: Infection Control**  
**If the offer is not accepted, the matter is to be referred to Prosecution.**

**Motion Made By:** Ms. Ailish Wilkie

**Second:** Dr. John Hsu

**Vote:** **In Favor:** Dr. Keith Batchelder; Dr. Milton Glicksman; Dr. John Hsu; Dr. David Samuels; Ms. Lois Sobel, RDH, Secretary; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ.  
**Opposed:** None  
**Abstained:** Dr. Cynthia Stevens, Chair

**--In the Matter of DEN-2012-0149: Christine Gorman, RDH**

**Recusal(s):** Dr. Stephen DuLong recused himself and was not present during the discussion or vote on this matter

**Allegation:** Failure to conduct weekly spore tests



**Discussion:**

Investigator Yates submitted her report to the Board for its consideration and reported the licensee, a dental hygienist, had worked for the former owner of a dental practice when the practice was sold in April 2011. In September 2011, the new owner submitted an application for a Facility D-B2 permit and provided incomplete spore test results from 2009, 2010, and January, February and March 2011. A complaint was opened against this licensee for failing to conduct weekly spore testing during 2009, 2010 and January, February, and March 2011. Board members were sympathetic to the licensee's situation as she was and is not the owner of the dental practice but an employee. Further, the Board discussed whether the concept of master/servant was applicable with regards to the licensee's responsibility. Board Counsel Berg informed the Board that the legal concept of master/servant was not applicable as the Board is considering the licensee's professional responsibility but the Board could consider the licensee's status as an employee as a mitigating factor when determining if a sanction is appropriate.

**Motion:**

**To offer a Consent Agreement for Probation for 6 months, to include the following continuing education:**

**6 Hours: Risk Management**

**6 Hours: Infection Control**

**If the offer is not accepted, the matter is to be referred to Prosecution.**

**Motion Made By:**

Ms. Lois Sobel

**Second:**

Dr. John Hsu

**Amended Motion:**

**To offer a Consent Agreement for Stayed Probation for 6 months, to include the following continuing education:**

**6 Hours: Risk Management**

**6 Hours: Infection Control**

**If the offer is not accepted, the matter is to be referred to Prosecution.**

**Amended Motion Made By:**

Dr. David Samuels

**Second:**

Dr. Milton Glicksman

**Vote on the Amended  
Motion:**

**In Favor:** Dr. Keith Batchelder; Dr. Milton Glicksman; Dr. John Hsu; Dr. David Samuels; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ.

**Opposed:** Ms. Lois Sobel, RDH, Secretary

**Abstained:** Dr. Cynthia Stevens, Chair

**Complaint Resolution—Investigator Kathleen O’Connell**

**--In the Matter of SA-INV-4575: Dr. Chelsea Perry**

**Allegation:** Failure to conduct weekly spore testing

**Discussion:** Investigator O’Connell submitted her preliminary report to the Board for its consideration and reported the licensee had submitted an application for a Facility D-C permit in July 2013 but had failed to include the required documentation detailing the results of weekly spore testing. When asked for the missing records, the licensee responded that it was a brand new practice that was only open twice a week and sometimes not every week so spore testing was not done weekly. The licensee also stated she only had one machine in the office. Through her attorney, the licensee stated she deeply regrets this oversight and now understands her responsibilities and will ensure her office is in total compliance with the regulations.

**Motion:** To open as a complaint with the allegation as above

**Motion Made By:** Dr. Milton Glicksman

**Second:** Ms. Ailish Wilkie

**Vote:** Unanimous

**Complaint Resolution—Investigator Eileen Mulligan**

**--In the Matter of SA-INV-5005: Dr. Quynh Bui**

**Allegation:** Advertising violations

**Discussion:** Investigator Mulligan submitted her preliminary report to the Board for its consideration and reported the Board had received an anonymous complaint in November 2013 stating the licensee's advertisement flyer failed to include the licensee's name and the period of time during which the advertised fee would be in effect. Through her attorney, the licensee stated she always intended to have her advertising practices meet Board regulations and that she intended to honor the advertised fee "each and every time" the advertisement was presented by a patient. Further, the licensee reported she had since pulled the advertisement flyer from vendor locations where it was on display and all future advertisements would be in strict compliance with the regulations.

**Motion:** To not open as a complaint, as discipline is not warranted, and to send an advisory letter regarding compliance with 234 CMR 5.19, Advertising

**Motion Made By:** Dr. Milton Glicksman

**Second:** Dr. John Hsu

**Vote:** Unanimous

*At 9:45 a.m., the meeting recessed for 10 minutes.*

*At 9:55 a.m., Dr. Stevens announced that the Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, §21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. The Board will also approve prior executive session minutes in accordance with M.G.L. c. 30A, §22(f). Executive Session is closed to members of the public, except as provided for in M.G.L. c. 30A, §21(a)(1). At the conclusion of the Executive Session, the Board will return to open session for the sole purpose of entering into another closed session pursuant to M.G.L. c. 112, §65C. The Board will not hear any additional matters in open session on this date.*

**Motion:** To enter Executive Session

**Motion Made By:** Dr. David Samuels

**Second:** Dr. Stephen DuLong

**Roll Call Vote:**                   **In Favor:** Dr. Keith Batchelder; Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. David Samuels; Ms. Lois Sobel, RDH, Secretary; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens, Chair

*The Board remained in Executive Session from approx. 9:55 a.m. to 2:20 p.m.*

**Motion:**                           **To enter M.G.L.c.112, §65C Session**

**Motion Made By:**               Dr. David Samuels

**Second:**                         Ms. Lois Sobel

**Roll Call Vote:**                   **In Favor:** Dr. Keith Batchelder; Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. David Samuels; Ms. Lois Sobel, RDH, Secretary; Ms. Jacyn Stultz, RDH; Ms. Ailish Wilkie, CPHQ  
**Opposed:** None  
**Abstain:** Dr. Cynthia Stevens, Chair

*The Board remained in M.G.L. c. 112, §65C Session from approx. 2:20 p.m. to 2:56 p.m.*

**Adjournment**

**Motion:**                           **To adjourn the meeting**

**Motion Made By:**               Dr. David Samuels

**Second:**                         Dr. Stephen DuLong

**Vote:**                             Unanimous

Respectfully submitted,

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Lois Sobel, RDH, Secretary

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Date